

Attorney Docket No. 41743.8001.US00

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Date: APRIL 10, 2007

By: Rena Iov
Rena Iov

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: ENRIQUE ZUDAIRE UBAÑI ET AL.

APPLICATION No.: 10/658,602

FILED: SEPTEMBER 8, 2003

FOR: **PROTOCOL AND SOFTWARE FOR
MULTIPLEX REAL-TIME PCR
QUANTIFICATION BASED ON THE
DIFFERENT MELTING TEMPERATURES**

EXAMINER: JASON M. SIMS

ART UNIT: 1631

CONF. No: 6049

**Information Disclosure Statement After First Office Action but Before
Final Action or Notice of Allowance – 37 C.F.R. § 1.97(c)**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. Timing of Submission

The information transmitted herewith is being filed after three months of the filing date of this application or after the mailing date of the first Office action on the merits, whichever occurred last, but before the mailing date of either a final action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, whichever occurs first. The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

2. Cited Information

04/16/2007 RIBALANCO 00000001 592586 18658602

Copies of the following references are enclosed:

- All cited references
- References marked by asterisks
- The following: Reference with Cite Nos. B1 through B72.

- Copies of the following references can be found in parent U.S. Application No.:
 - All cited references
 - References marked by asterisks
 - The following:
- This application was filed after 30 June 2003 and no copies of U.S. patents nor published applications are enclosed (See Notice of Deputy Commissioner Kunin on 11 July 2003).
- The following references are not in English. For each such reference, the undersigned has enclosed: (i) a translation of the reference; (ii) a copy of a communication from a foreign patent office or International Searching Authority citing the reference; (iii) a copy of a reference which appears to be an English-language counterpart; or (iv) an English-language abstract for the reference prepared by a third party. Applicant has not verified that the translation, English-language counterpart or third-party abstract is an accurate representation of the teachings of the non-English reference, though, and reserves the right to demonstrate otherwise.
 - All cited references
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3. Effect of Information Disclosure Statement (37 C.F.R. § 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

4. Fee Payment (37 C.F.R. § 1.97(c)) or Certification (37 C.F.R. § 1.97(e))

- Applicants elect to pay the fee under 37 C.F.R. § 1.17(p) \$180.00.
 - Check enclosed for \$
 - Please charge the above fee(s) to Deposit Account No. 50-2586.
- Applicants submit that no fee is due in light of the following certification under 37 C.F.R. § 1.97(e) (check only one):
 - In accordance with 37 C.F.R. § 1.97(e)(1), the undersigned hereby states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart

foreign application not more than three months prior to this filing of this statement; or

In accordance with 37 C.F.R. § 1.97(e)(2), the undersigned hereby states that no item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c), more than three months prior to the filing of this statement.

Please charge any underpayment for timely filing of this paper to Deposit Account No. 50-2586.

5. Patent Term Adjustment (37 C.F.R. § 1.704(d))

The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

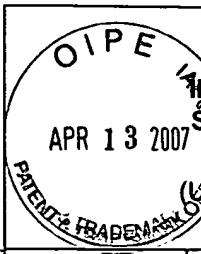
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Date: 4/9/07


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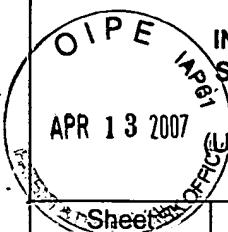


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First Named Inventor	Enrique Zudaire Ubani				
Group Art Unit	1631				
Examiner Name	Jason M. Sims				
Sheet	1	of	8	Attorney Docket No.	41743.8001.US00

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	U.S. Patent or Application		Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document
		NUMBER	Kind Code (if known)		
	A1	5,475,610		Atwood et al.	12/12/1995
	A2	5,747,251		Carson et al.	05/05/1998
	A3	6,174,670		Wittwer et al.	01/16/2001
	A4	6,232,079		Wittwer et al.	05/15/2001
	A5	6,245,514		Wittwer et al.	06/12/2001
	A6	6,303,305		Wittwer et al.	10/16/2001
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	A13	US 2002/0058255		Thum et al.	05/16/2002
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	A19	US 2003/0087397		Klein et al.	05/08/2003
	A20	US 2003/0096986		Mei et al.	05/22/2003

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

 Form PTO-1449 (Modified)
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Sheet 2 of 8

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OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS			
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	B1	Ball, T. et al, Improved mRNA Quantification in LightCycler RT-PCR, <i>Int. Arch Allergy Immunol.</i> 130: 82-86 (2003).	
	B2	Bohling, S.D. et al, Rapid Simultaneous Amplification and Detection of the MBR/JH Chromosomal Translocation by Fluorescence Melting Curve Analysis, <i>Am. J. Path.</i> 154: 97-103 (1999).	
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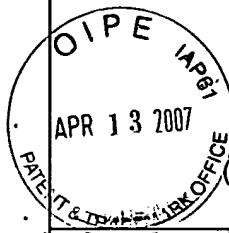
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OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS

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	B61	Zimmermann <i>et al</i> , Quantitative Multiple Competitive PCR of HIV-1 DNA in a Single Reaction Tube, <i>BioTechniques</i> 21: 480-484 (1996).			
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	B67	Eurogentec qPCR™ Mastermix for Sybr™ Green I.			
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***EXAMINER:** Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application(s).